

SENATE BILL 575

By Pody

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 37; Title 38 and Title 39, relative to the
department of children's services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by
adding the following as a new section:

(a) Notwithstanding a law to the contrary:

(1) If the department investigates an individual pursuant to this title on or
after July 1, 2023, and closes the case without finding probable cause to believe
that a child in the individual's care was dependent and neglected, or that the
individual committed a violation of title 39, then the department shall remove and
destroy all records of the investigation within one (1) year following the closure of
the case; and

(2) If the department investigated an individual pursuant to this title
before July 1, 2023, and closed the case without finding probable cause to
believe that a child in the individual's care was dependent and neglected, or that
the individual committed a violation of title 39, then the individual may submit a
written request to the department to remove and destroy all records of the
investigation within one (1) year of receipt of the written request. The department
shall promulgate rules that describe the process by which the individual may
make the written request to have records removed and destroyed pursuant to
this subdivision (a)(2). If the individual follows the process, then the department

shall remove and destroy all records of the investigation within one (1) year of receipt of the written request.

(b) This section does not apply to records that are relevant to a separate ongoing investigation that is known to the department.

SECTION 2. The commissioner of children's services is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. For purposes of rule promulgation, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.